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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,133	07/24/2001	Chih-Chuan Yen	PHTW000005	4004

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PIERRE, MYRIAM

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 12/16/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,133

Applicant(s)

YEN ET AL.

Examiner

Myriam Pierre

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☒ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/23/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Response to Amendment

1. Applicant's Amendment filed 07/24/2001, cancelled claims 1-3, amended claims 4-10, making claim 4 an independent claim, proposed drawing corrections, and submitted substitute specification and argued for the allowability of claims 4-10. The substitute specification and drawing corrections have been approved.

Response to Arguments

2. Applicant's arguments, in the Amendment, filed 07/24/2001, with respect to the use of Rodriguez et al. (10/010,497) in the rejection(s) of original claim(s) 4-10 are persuasive, and have overcome the reference. New ground(s) of rejection are herein presented based on Momii so that applicant's arguments are moot.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As to claims 4-10 are rejected under 35 U.S.C. 103 (a) as being unpatented over Fischer (WO 95/06309) in view of McIntosh (5,970,159) and in further view of Momii (6,052,665).

As to claims 4-7, 9-10, Fischer teaches using a speech processor for processing speech commands **(transmits speech signals, so a speech processor is needed to process speech commands, page 8, lines 29-31).**

a microphone arranged on remote control for enabling a user of said remote control to input said speech commands **(remote control device includes a microphone, page 7, lines 36-37).**

Fischer does not teach a further microphone for enabling further users of the system to input speech commands.

However, McIntosh uses a microphone on an apparatus **(col. 2, lines 14-17)**, but does not mention a remote control.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use two microphones, Fischer's microphone on a remote and McIntosh's microphone on an apparatus as a further microphone, in analogy to the notoriously well known corresponding duplicate manual controls for a TV set, in order for multiple users to operate an apparatus. One skilled in the art would have been motivated to use both microphones for multiple user interfaces with the apparatus.

Neither Fischer nor McIntosh teaches an input designation means for selecting microphones.

However, Momii teaches

enabling the user to selectively designate which of several microphones is to be used as a signal source to a speech processor **(selector or input designator selects between microphones, col. 4, line 28).**

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to use Momii's switch to select microphones, from Fischer and McIntosh's respective remote and further microphone, in order to designate which microphone will be activated in order for the user to have flexibility in operating the voice remote at various locations. Therefore, one skilled in the art would have been motivated to give priority to the user of Fischer's remote control in order for the user to have flexibility in operating the apparatus without having to stand near the microphone on McIntosh's apparatus.

Neither Fischer, nor McIntosh nor Momii teach selecting microphone priority.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to give priority to a remote control in order for the user of the remote device be mobile and activate the microphone with the remote device from various locations.

As to claim 8, Fischer teaches a microphone in a remote control for enabling a user to input speech commands for processing by a speech processor **(remote control device includes a microphone for speech commands, page 7, lines 36-37).**

McIntosh teaches a further microphone, and Momii teaches designating a microphone, as discussed under claims 4-7 and 9-10, above.

However, neither Fischer nor McIntosh nor Momii teach of a remote control having an input designation means for selecting microphones.

Official Notice is taken that at the time of the invention, was notoriously well known to have a toggle switch for designing microphones. It would have been obvious to one of ordinary skill in the art to design a switch to toggle between microphones on a remote control because of the convenience and flexibility of choosing a microphone remotely and not manually applying the control at the device itself.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:

Woodbridge (5,832,440) teaches a toggle switch to enable or disable voice command on a remote control device.

Ciluffo (6,119,088) teaches multi-user voice activation of remote control device.

Chung et al. (5,471,557) teaches speech recognition system for remote control devices.

Launey et al. (5,086,385) teaches voice recognition system for processing verbal commands in a remote control to operate home devices.

Geilhufe et al. (6,584,439) teaches voice-controlled device to operate appliances.

Woodbridge (5,832,440) teaches a toggle key to enable or disable voice commands.

Chung et al. (5,471,557) teaches speech recognition for remote controlling devices.

Allen (6,397,388) teaches two microphones, one in a further apparatus, the other is on the remote control.

Julia et al. (6,513,063) teaches using a microphone remote control device for network based electronic data.

Bowen (5,561,737) teaches voice switching system connecting microphone(s) to an audio line one microphone is selected for the speaker.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 703-605-1196. The examiner can normally be reached on Monday – Friday from 5:30 a.m. - 2:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11-30-04



TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER